IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of Heng Chu et al.

Serial No.: 10/626,340 Filed: July 24, 2003

For: Applying Abstraction to Object Markup Definitions

Art Unit: 2167 Examiner: Kimberly M. Lovel

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request review of the Final Rejection in the Office Action mailed June

25, 2009 in the above-identified Application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. Review is requested for the reasons stated on

the attached sheets.

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Respectfully submitted,

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<u>**GROUND OF REJECTION PRESENTED FOR REVIEW**</u>

The **Ground of Rejection** presented for review is a rejection of Claims 3 - 5, 7 - 9, 11 - 13,

20, and 31 - 41 under 35 U. S. C. §103(a) as being unpatentable over U. S. Patent 7,065,742 to

Bogdan in view of U. S. Patent Publication 2005/0149847 to Chandler in view of U. S. Patent

7,458,082 to Slaughter et al. (hereinafter, "Slaughter").

<u>**ARGUMENT**</u>

For expediency only, Applicants will discuss independent Claims 13, 31 - 32, 36, and 39

and dependent Claim 20 only. Applicants reserve the right to argue additional grounds, and in

particular to explicitly argue separate patentability of the remaining dependent claims, if this

Petition is denied.

Applicants respectfully submit that a *prima facie* case of obviousness under 35 U.S.C.

§103 has not been made out as to these claims, as the cited references, whether taken singly or in

combination, do not teach or suggest all the claim limitations, as will now be demonstrated.

Referring first to Applicants' <u>independent Claim 13</u>, the Office Action <u>admits</u> on Page 6,

lines 17 - 22 that a combination of Bogdan and Chandler

> fails to explicitly disclose the further limitation of the generating further
> comprises not generating any output object for any of the at least one syntax
> element that is defined in the extended schema but not defined in the base schema
> in order that the generated output objects will conform to the second [base] schema
> definition

referring to Claim 13, lines 16 - 18. The Office Action then cites col. 45, lines 4 - 35 of Slaughter

as teaching this claim language, stating "Slaughter discloses the concept of a space containing a

base schema and a plurality of schema extensions ...". Office Action, Page 6, line 22 - Page 7, line

5. Page 18, lines 1 - 8 of the Office Action also discuss lines 16 - 18 of Claim 13, and further cite

col. 46, lines 16 - 18 of Slaughter. Applicants respectfully disagree with the analysis of the cited text of Slaughter, as will now be discussed.

The cited text from col. 45, lines 4 - 35 of Slaughter discusses <u>spaces</u>. A space is a type of repository where advertisements for services or content are stored. Col. 8, lines 35 - 37; col. 37, lines 28 - 33. A client may dynamically locate a space, and needs to know what messages can be used when accessing that dynamically-located space; the client learns this information from the space's own advertisement, and uses that information to build a gate in order to access the space. Col. 37, lines 42 - 48. Part of the space's advertisement is an <u>XML schema</u> (col. 37, lines 44 - 45) that <u>defines the messages which can be used to invoke functionality of the space</u> (col. 38, lines 16 - 22). This is also stated at col. 45, lines 4 - 7, "Each space ... may have an XML schema <u>defining the core functionality</u> of the space service ... [and] <u>specify[ing] the client interface</u> to the space service.", emphasis added. All spaces may offer a "base level" of functionality, to be accessed with "base-level" messages (col. 45, lines 7 - 11). Optionally, a space service may support more advanced functionality (col. 45, lines 11 - 12), in which case additional messages may be added to the XML schema that advertises the space (col. 45, lines 13 - 15). When additional functionality is provided, the messages usable for invoking it can be specified in extended XML schemas or schema extensions for a space (col. 45, lines 18 - 21). This appears to be a discussion of <u>prior art</u> use of schema extensions, adapted for use with space services.

Col. 45, lines 21 - 23 of Slaughter state "The extended schemas may include the base schema so that clients of an extended space may still access the space as a base space.". For example, if the space supports "advanced facilities to support persistence of space content" (col. 45, line 28), it may happen that some clients of the space service do not need to use this advanced facility. Therefore, this client "may still access the space as a base space" (col. 45, lines 21 - 23)

by using the base schema (*id*; col. 45, lines 32 - 35). However, in sharp contrast to Applicants'

claim language, there is no teaching or suggestion that a parser <u>validates</u> whether syntax elements

of an input document conform to an extended schema (Claim 13, lines 8 - 10), and then this same

parser does <u>not generate</u> output objects for any elements which are defined in the extended schema

but which are not defined in a base schema (Claim 13, lines 13 - 18). Notably, the XML schemas

discussed in col. 45, lines 4 - 35 are for defining the valid messages which are usable for invoking

functionality of a space, as stated above. If an <u>extended schema</u> specifies that the space supports

"persistence of space content", for example, then a client's message requesting/accessing that

support is presumably acceptable to the space. Nothing in Slaughter indicates, however, that a

<u>parser</u> would somehow "not generat[e]" an output object for a syntax element from the client's

request message in order to align the message to the base functionality of the space – i.e., to "less

advanced" functionality for which the set of valid messages are defined in a <u>base schema</u>.

The Office Action discusses client authentication on Page 7, lines 8 - 10 and on Page 18,

lines 4 - 6, citing col. 46, lines 16 - 18, where Slaughter states "A space may have a base schema

and multiple extended schemas. This may facilitate provid[ing] different levels of service to

different clients depending upon the client authentication.". This is a discussion of client-specific

access control, and Applicants respectfully submit that Slaughter does <u>not</u> teach, or suggest, that a

<u>parser</u> is enforcing client-specific access control. Instead, Slaughter describes an <u>authentication</u>

<u>credential</u> which is used for that purpose. See col. 40, lines 35 - 46, discussing this authentication

credential that is used to "allow the client partial or full access to the space", as well as col. 44,

lines 57 - 62. Col. 41, lines 10 - 21 also discuss an access control list that identifies the

capabilities for an authenticated client. The client's capabilities are <u>bound</u> to the authentication

credential. Col. 44, lines 62 - 64. The client includes the authentication credential on messages

sent to the space service, "so the space service can check the request [message] against the client's specific capabilities". Col. 44, line 65 - col. 45, line 3. Clearly, this is not discussing a parser. Accordingly, Slaughter does not teach a validating parser that comprises "not generating" output objects in order to "conform to the second [i.e., base] schema definition", in sharp contrast to Applicants' claim language as recited on lines 11 - 18 of Claim 13.

Applicants also note the section titled "Dynamically Converting an XML Document into a Java Object", which is found at col. 101, line 59 - col. 102, line 41. This is a discussion of parsing an XML document to create an object. However, there is no teaching or suggestion therein of Applicants' recited claim language, which comprises validating a document according to an extended schema (see Claim 13, lines 8 - 10) and then not generating output objects for syntax elements which are not defined in a base schema (see Claim 13, lines 11 - 18).

Because the Office Action admits that Bogdan and Chandler do not "explicitly" disclose the "generating further comprises not generating ..." claim element recited on lines 16 - 18 of Claim 13, and Applicants have demonstrated above that Slaughter does not cure this deficiency, Applicants respectfully submit that any combination of these references (assuming, *arguendo*, that such combination could be made and that one of skill in the art was motivated to attempt it) would not yield Applicants' claimed invention as recited in Claim 13. Accordingly, Applicants respectfully submit that independent Claim 13 is patentable over the references.

With regard to dependent Claim 20, which depends from Claim 13, the Office Action states "not generating according to an extended schema which is different than not generating for an intermediate schema". Office Action, page 18, lines 12 - 14. This is an incorrect interpretation of Applicants' claim language. An "intermediate" schema is simply an extended schema that is

itself also extended. See, for example, Applicants' **Fig. 10**, which depicts a base schema **900** and extended schemas **1010, 910,** and **1020**. Here, the intermediate schemas are **1010** and **910**; schema **1020** is not an intermediate schema because it is not further extended by another extended schema. Accordingly, given the Office Action admission that Bogdan does not teach the "not generating" as recited for an extended schema in Claim 13, then Bogdan clearly does not teach the additional "not generating" for an intermediate schema as recited in Claim 20.

Applicants' independent Claims 31 and 32 are method claims, and the same text from col. 45, lines 4 - 35 of Slaughter that was used in rejecting Claim 13 is used for rejecting the "... parsing ... thereby suppressing ..." claim language on lines 11 - 16 of Claim 31 and the "omitting ..." claim language on lines 6 - 9 of Claim 32. Similarly, the same text of Slaughter is used for rejecting the "omitting ..." claim language on lines 8 - 11 of independent system Claim 36 and lines 7 - 10 of independent computer program product Claim 39. The same arguments presented above with regard to Claim 13 apply also to these portions of the claim language from the remaining independent claims, thereby establishing that Slaughter cannot be used as asserted in the Office Action. Accordingly, even if, *arguendo*, one of skill in the art was motivated to attempt combining Bogdan, Chandler, and Slaughter (and assuming such combination could be made), the combination would not yield Applicants' claimed invention as recited in Claims 13, 31, 32, 36, or 39. Claims 13, 31, 32, 36, and 39 – as well as their dependent Claims 3 - 5, 7 - 9, 11 - 12, 20, 33 - 35, 37 - 38, and 40 - 41 – are therefore deemed patentable over these references.

In summary, Applicants respectfully request that the rejection in the Office Action be reversed by the appeal conference prior to the filing of an Appeal Brief.